

**UNITED STATES OF AMERICA**

**WESTERN DISTRICT OF MICHIGAN – SOUTHERN DIVISION**

Brian Alexander,  
Plaintiff

File No: 1:18-cv-930

v.

Steven J. Kwasnik and  
Annie Harrison,  
Defendants.

Hon. Janet T. Neff  
U.S. District Court Judge

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**PLAINTIFF’S MOTION RESPONSES CONSOLIDATED EXHIBITS**

Exhibit 15 – Freedom of Information Act Request by Mr. Grabel to  
Michigan State Police with denial.

Page 1 of 1

Subj: **FOIA Request**  
Date: 2/27/2015 3:30:37 P.M. Eastern Standard Time  
From: [grabellaw@aol.com](mailto:grabellaw@aol.com)  
To: [mfp-foi@michigan.gov](mailto:mfp-foi@michigan.gov)  
CC: [grabellaw@aol.com](mailto:grabellaw@aol.com), [psamouris@comcast.net](mailto:psamouris@comcast.net), [gfis@gfis-inc.com](mailto:gfis@gfis-inc.com)

Dear Sir or Madam:

Enclosed please find a two page FOIA request which is self explanatory. If you have any questions please don't hesitate to contact me at 517-204-0943. Your anticipated cooperation is greatly appreciated.

Scott Grabel (P53310)  
Attorney at Law

Friday, February 27, 2015 AOL: GRABELLAW

RI-101 (03/2012)  
MICHIGAN STATE POLICE

**REQUEST FOR PUBLIC RECORDS**  
AUTHORITY: 1976 PA 442; COMPLIANCE: VOLUNTARY

<b>Send Completed Hard-Copy Form To:</b> Michigan Department of State Police Criminal Justice Information Center Attn: Freedom of Information Unit 333 S. Grand Ave. P.O. Box 30634 Lansing, MI 48909-0634		<b>For Additional Information:</b> <b>MICHIGAN FREEDOM OF INFORMATION ACT</b>  <b>Questions / Comments:</b> E-Mail: MSP-FOI@michigan.gov Fax: (517) 241 - 1935	
<b>I. Requestor Information</b>			
Name of Person Making Request Scott Grabel		Company Representing Grabel & Associates	
Date Feb 27, 2015			
Street Address 120 N. Washington Square, Ste. 805		City Lansing	State MI
Zip Code 48933			
Phone Number +1 (517) 204-0943 EXT.		Client or Insured Client	Claim / File Number None
<b>II. Type of Report Requested</b>			
<input type="checkbox"/> Criminal History Record (Michigan Criminal History records are available by visiting our website at <a href="http://www.michigan.gov/msp">www.michigan.gov/msp</a> and clicking on ICHAT.) The cost for providing this record is \$10.00		<input type="checkbox"/> UD-10 Traffic Crash Report (Traffic Crash Reports are available on our website at <a href="http://www.michigan.gov/msp">www.michigan.gov/msp</a> and clicking on TCPS.) The cost for providing this record is \$10.00	
<input type="checkbox"/> Incident Report Number:		<input type="checkbox"/> Photos <input checked="" type="checkbox"/> Other See Attached	
Name Referred to in Record Brian Michael Alexander		Date of Birth 02/19/1982	Social Security Number* (voluntary)
Driver's License Number A425098603131		Date of Event 02/05/2015 (on or about)	Sex (M/F) MALE
Location of Event Michigan State Police Biometrics and Identification Division			
Specific Event to Which Record Refers  Polygraph conducted on or about 02/05/2015 by Marco Hernandez on Brian Michael Alexander at the Michigan State Police Biometrics and Identification Division.			
<b>III. Method of Access to Record</b>			
<input checked="" type="checkbox"/> MAIL TO REQUESTOR <input type="checkbox"/> MAIL TO (if different than Requestor) <input type="checkbox"/> INSPECT COPIES			
Street Address 120 N. Washington Square, Ste. 805		City Lansing	State MI
Zip Code 48933			
<b>STATE POLICE WORK UNIT USE ONLY</b>			
OFFICIAL RECEIVING REQUEST	WORK UNIT	DATE RECEIVED	DATE SENT TO FOI
SUBMIT VIA EMAIL			

Request For Public Records- Attachment

Date: February 27, 2015

Requestor Information:

Scott Grabel  
120 N Washington Square, Ste. 805  
Lansing, MI 48933

Type of Report Requested:

Other: A complete copy of all charts, questions, score sheets, peer review, police reports and personal hand-written notes and an entire CD copy of the entire file from the LX computerized polygraph software for the polygraph conducted on or about 02/05/2015 by Marco Hernandez on Brian Michael Alexander at the Michigan State Police Biometrics and Identification Division.



STATE OF MICHIGAN  
DEPARTMENT OF STATE POLICE  
LANSING

RICK SNYDER  
GOVERNOR

COL. KRISTE KIBBEY ETUE  
DIRECTOR

March 09, 2015

MR SCOTT GRABEL  
GRABEL & ASSOCIATES  
120 N WASHINGTON SQ STE 805  
LANSING, MI 48933

**NOTICE OF EXTENSION**

RE: CR-105560-15 ALEXANDER, BRIAN MICHAEL

Dear MR GRABEL:

The department has received your request for public records under the Michigan Freedom of Information Act (FOIA), MCL 15.231 et seq..

In order to determine whether the department possesses existing, non-exempt public records responsive to your request, we are extending the time for responding to your request by ten (10) business days, as permitted under MCL 15.235, Section 5(2)(d). Therefore, a written notice will be issued to you on or before 3/23/2015.

If you have any questions concerning this matter, please feel free to contact our office at (517) 241-1934, or at the address below, and enclose a copy of this correspondence.

Sincerely,

A handwritten signature in cursive script that reads "Judy Fox".

Judy Fox  
Assistant FOIA Coordinator  
Michigan State Police





MAR 16 2015

RICK SNYDER  
GOVERNOR

STATE OF MICHIGAN  
DEPARTMENT OF STATE POLICE  
LANSING

COL. KRISTE KIBBEY ETUE  
DIRECTOR

MR SCOTT GRABEL  
GRABEL & ASSOCIATES  
120 N WASHINGTON SQ STE 805  
LANSING, MI 48933

RE: CR-105560-15, ALEXANDER, BRIAN MICHAEL

Dear MR GRABEL:

The department has received your request for certain records and has processed it under the provisions of the Michigan Freedom of Information Act (FOIA), MCL 15.231 et seq.

The records you have requested have been:

☐ ( ) Granted

☐ ( ) Granted in Part and denied in part. Portions of your request are exempt from disclosure based on provisions set forth in the Act. (See comments on the back of this letter.) Under the FOIA, Section 10, you have the right to appeal to the head of this public body or to a judicial review of the denial.

☒ (X) Denied. (See comments on the back of this letter.) Under the FOIA, Section 10, you have the right to appeal to the head of this public body or to a judicial review of the denial.

☐ ( ) The documents you requested are enclosed. Please pay the amount of \$\_\_\_\_\_.

☐ ( ) Please pay the amount of \$\_\_\_\_\_. Once we receive payment the documents will be mailed to you.

Checks or money orders should be made payable to the STATE OF MICHIGAN and mailed to P.O. Box 30266 Lansing, MI 48909. To ensure proper credit, please enclose a copy of this letter with your payment.

If you have questions concerning this matter, please feel free to contact our office at the address below, and enclose a copy of this correspondence.

Sincerely,

*Judy Fox*  
Judy Fox

Assistant FOIA Coordinator  
Michigan State Police

**DENIAL OF RECORDS:**

Denial is based on the following provision(s) of the Freedom of Information Act. MCL 15.243, Sec. 13(1). (All that apply will be checked.)

- ☐ (a) Information of a personal nature where the public disclosure of the information would constitute a clearly unwarranted invasion of an individual's privacy.  
☐ telephone number(s) ☐ address(es) ☐ date(s) of birth ☐ physical characteristics ☐ driver license number(s)  
☐ other \_\_\_\_\_
- ☐ (b) Investigating records compiled for law enforcement purposes, but only to the extent that disclosure would do any of the following:  
☐ (i) Interfere with law enforcement proceedings.  
☐ (ii) Deprive a person of the right to a fair trial or impartial administrative adjudication  
☐ (iii) Constitute an unwarranted invasion of personal privacy.  
☐ (iv) Disclose the identity of a confidential source, or if the record is compiled by a law enforcement agency in the course of a criminal investigation, disclose confidential information furnished only by a confidential source.  
☐ (vi) Endanger the life or physical safety of law enforcement personnel.
- ☒ (d) Records or information specifically described and exempted from disclosure by statute.  
 Statute: Polygraph - MCL 339.1728
- ☐ (m) Communications and notes within a public body or between public bodies of an advisory nature to the extent that they cover other than purely factual materials and are preliminary to a final agency determination of policy or action.
- ☐ (n) Records of law enforcement communication codes, or plans for deployment of law enforcement personnel, that if disclosed would prejudice a public body's ability to protect the public.
- ☐ (s) Unless the public interest in disclosure outweighs the public interest in nondisclosure in the particular instance, public records of a law enforcement agency, the release of which would do any of the following:  
☐ (i) Identify or provide a means of identifying an informer.  
☐ (ii) Identify or provide a means of identifying a law enforcement undercover officer or agent or a plain clothes officer as a law enforcement officer or agent.  
☐ (viii) Identify or provide a means of identifying a person as a law enforcement officer, agent, or informer.  
☐ (ix) Disclose personnel records of law enforcement agencies.
- ☐ (u) Records of a public body's security measures, including security plans, security codes and combinations, passwords, passes, keys, and security procedures, to the extent that the records relate to the ongoing security of the public body.
- ☐ (w) Information or records that would disclose the social security number of any individual.
- ☐ Your request is denied under the authority of Section 13(1)(a) above. However, if you provide a notarized, signed release of information from the individual to whom the records pertain, you will receive that information to which the individual signing the release is entitled.
- ☐ To the best of the Department's knowledge, information, and belief, under the information provided by you or by any other description reasonably known to the Department, the public records do not exist within the Department.

- ☐ Based on the information you provided, we are unable to locate any records pertaining to the incident you described. In order for us to continue processing your request, please comply with the following items. To ensure proper handling of your request, please include a copy of this letter with your response.
- ☐ Specific location (i.e. city, county.)  
☐ Michigan State Police incident number  
☐ Names of those involved in the incident  
☐ Specific dates (i.e., date of incident)  
☐ Name of driver and their birth date or driver license number  
☐ Date of birth
- ☐ The report you have requested has not yet been completed and filed. Please resubmit your request in 30 days.

**Additional Comments:**